



Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Fortieth Meeting Day

Thursday Morning

March 29, 2001

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Representative Brian C. Bosma.

The Pledge of Allegiance to the Flag was led by Representative David L. Crooks.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera •	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan •
Bardon	Kuzman
Bauer	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler
T. Brown	McClain
Buck	Mellinger
Budak	Mock •
Buell	Moses
Burton	Munson
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath
Cook	Pond
Crawford	Porter
Crooks	Richardson
Crosby	Ripley
Day	Robertson •
Denbo	Ruppel
Dickinson	Saunders
Dillon	Scholer
Dobis	M. Smith
Dumézich	V. Smith
Duncan	Steele
Dvorak	Stevenson
Espich	Stilwell •
Foley	Sturtz •
Frenz	Summers
Friend	Thompson
Frizzell	Tincher
Fry	Torr
GiaQuinta	Turner
Goeglein	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris •	Whetstone
Hasler	Wolkins
Herndon	D. Young •
Herrell	Yount •
Hinkle	Mr. Speaker

Roll Call 430: 91 present; 9 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, April 2, 2001, at 1:00 p.m.

BARDON

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1025, 1043, 1089, 1099, 1211, 1228, 1233, 1424, 1602, 1629, 1935, 1948, 1967, 2031, and 2119 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1074, 1096, 1116, 1344, 1396, 1401, 1549, 1841, 1852, 1855, 1864, and 2042 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1503 with amendments and the same is herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 61 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Resolution 62

Representatives Scholer and Kuzman introduced House Resolution 62:

A HOUSE RESOLUTION urging the Legislative Council to establish an interim study committee to investigate, study, and make recommendations regarding the issue of employing the design-build method of project delivery for public construction.

Whereas, The design-build method of project delivery may have a positive impact upon the earlier completion of Indiana public construction projects;

Whereas, The design-build method of project delivery may also lead to a lowered risk to public agencies of litigation and adversarialism between designers and builders;

Whereas, The design-build method of project delivery may further lead to an overall better value to the use of public monies: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Legislative Council is urged to establish an interim study committee to investigate issues related to the employment of the design-build method of project delivery for public construction projects.

SECTION 2. That the interim study committee established to investigate issues related to the design-build method of project delivery for public construction projects report its findings to the Second Regular Session of the One Hundred Twelfth General Assembly.

SECTION 3. That a copy of this resolution be recorded in the Journal and be distributed to each member of the House of Representatives.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 63

Representatives Turner, Crawford, and Bosma introduced House Resolution 63:

A HOUSE RESOLUTION honoring the ABA 2000 on its inaugural season.

Whereas, The ABA 2000 is the revival of the former American Basketball Association, existing from 1967 to 1976, merging with the National Basketball Association in 1976;

Whereas, The ABA was widely recognized as the "outlaw" league, with its signature red, white and blue basketball, lively style of play, and three-point shot, which originated in the ABA;

Whereas, Former players for the ABA included electric stars like Julius ("Dr. J") Erving, Connie Hawkins, George ("Ice") Gervin, David Thompson, George McGinnis, Artis Gilmore, Moses Malone, Roger Brown and Dan ("The Horse") Issel;

Whereas, The founder of the original ABA and the Indiana Pacers, Dick Tinkham, is the co-founder of the ABA 2000, who, along with co-founder Joseph Newman, President/CEO of Alliance Broadcasting Group, has recognized the need for professional basketball to return to the purest basketball tradition of fun, lively play and family entertainment;

Whereas, The co-founders of the ABA 2000 have instituted new rules for the league, including a "3-D" rule that allows for high-scoring, fast-paced game, and a new no foul out rule that allows players to continue in the game after five fouls;

Whereas, The purpose of the new rules is to restore to professional basketball the liveliness and excitement of basketball that was a tradition with the original ABA;

Whereas, The ABA 2000 Commissioner, Gary Elboggen has announced that the first league championship tournament will be played April 10-14, with the format of a single elimination tournament similar to NCAA basketball tournaments and NFL championships;

Whereas, The eight teams of the ABA 2000 will be included in the tournament, those teams being located in Indiana, Chicago, Detroit, Kansas City, Los Angeles, Memphis, San Diego, and Tampa Bay;

Whereas, Many of the coaches in the League are famous basketball legends, including George Gervin in Detroit, Joey Meyer in Chicago, Paul Westhead in Los Angeles, Lasalle Thompson in San Diego, and Billy Keller in Indiana;

Whereas, The Mission Statement of the ABA 2000 is to establish high-quality, professional teams that will provide value-priced family entertainment through a commitment to service and exciting professional basketball;

Whereas, The goals of the ABA 2000 are to establish eight teams in major markets to begin play by December 2000 (which has been accomplished), to expand the league until the league has thirty quality teams, to select owner groups that will work hard to accomplish ABA 2000 goals, to be a model of diversity by striving

to secure minority ownership for at least half of its member teams, to stress positive corporate and individual citizenship on and off the court, to embrace opportunities to be constructive role models for young and old alike, to proactively support local organizations and causes that strive to improve the quality of life in the community, and to work closely with the five ABA 2000 designated Community Outreach Organizations;

Whereas, The ABA 2000 is the first sports league, from its inception, to make the internet a fundamental component of its marketing plan;

Whereas, The ABA 2000 is striving for the best, making quality a hallmark of everything they do;

Whereas, The ABA 2000 is setting a good example for the rest of the nation in its fair-dealing, quest for excellence, and commitment to community service: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the ABA 2000 is honored on the occasion of its inaugural season.

SECTION 2. That the Indiana General Assembly congratulates the founders, teams, coaches and players for their creative talents, and pursuit of excellence.

SECTION 3. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to each person named herein.

The resolution was read a first time and adopted by voice vote.

House Resolution 64

Representatives Turner, Crawford, and Bosma introduced House Resolution 64:

A HOUSE RESOLUTION honoring the Indiana Legends professional basketball team.

Whereas, Indiana has been known as the home of basketball for the world for generations;

Whereas, Hoosiers are fiercely proud of their basketball tradition, a tradition that begins with youth, extends through college, and culminates in professional level play;

Whereas, A new basketball team has emerged for Indiana, competing in the newly created American Basketball Association 2000;

Whereas, The Indiana Legends and the ABA 2000 marks the return of ABA basketball to its original home, Indianapolis, and marks the return of basketball that is fun, exciting, fast, and fan-friendly, in the Hoosier basketball tradition;

Whereas, The Indiana Legends was team was co-founded by Dick Tinkham, founder of the original American Basketball Association that eventually merged with the National Basketball Association, and founder of the Indiana Pacers;

Whereas, The other co-founders include Joe Newman, President/CEO of Alliance Broadcasting Group, and Allan Zuckerman, President/COO of Alliance Broadcasting Group and an active volunteer in the Indianapolis community;

Whereas, The new team, the Indiana Legends, is destined for greatness, with an all-star coaching staff and outstanding players that will ignite the basketball passion of Hoosier fans;

Whereas, Billy Keller, legendary former player for the Indiana Pacers and the original ABA, former Mr. Basketball, Mr. Three-Point, enshrinee in the Indiana Basketball Players Hall of Fame, and one of Indiana's fifty (50) greatest players, is the Head Coach of the Indiana Legends;

Whereas, The Legends other teams leaders are Assistant Coach Mike "Butch" McClintock, General Manager Matt Ingram, Physical Therapist Ed Lee, Director of Media Relations Jennifer Dydo, Vice President and Director of Player Personnel Jim Grandholm, and Ticket Sales Account Manager Chad Hardin;

Whereas, The Indiana Legends players are Daimon Beathea from Michigan State, Coleco Buie from Southwest Missouri State, Reggie Freeman from Texas, Paul Grant from the University of Wisconsin, Michael Hart from the University of Tennessee at Martin, DeRon Hayes from Penn State, Ryan Hoover from Notre Dame, Jeff Nordgaard from Wisconsin at Green Bay, Eric Riley from Michigan, Mike Robinson from Purdue, and Tremain Winfield from Texas;

Whereas, The venue for the inaugural season of the Indiana Legends is the historic Hinkle Fieldhouse, one of the nation's greatest and most famous sports arenas since its construction in 1928;

Whereas, The voice of the Indiana Legends is News, Talk and Sports 96, 95.9 the New WPZZ-FM radio;

Whereas, The Indiana Legends team members, co-founders and coaching staff have devoted themselves to community outreach, donating their time to numerous charities and children hospitals;

Whereas, Indiana Legends ABA 2000 basketball is family-oriented, being affordable, fun, fast-paced and having players whose mission is to provide entertainment for their fans;

Whereas, In the words of Billy Keller, "People don't realize how good this basketball is. We have good quality players. It's fast and that's what turns people on";

Whereas, The Indiana Legends will be playing by the new rules of the ABA 2000, which include the "3-D" rule, when the points are raised from 2 to 3 and from 3 to 4 when a team scores after a stolen possession, and the foul rule, where no player may foul out;

Whereas, The Indiana Legends ABA 2000 basketball has a relentless pace, leading to high-scoring, wild and wooly games that are exciting for fans, and truly invigorate the game of professional basketball: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Legends ABA 2000 team is honored on the occasion of their inaugural season.

SECTION 2. That the co-founders and coaching staff is congratulated for establishing a professional basketball team that offers all the elements of fun and excitement that are central to the Indiana basketball tradition.

SECTION 3. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to each member of the team, each co-founder, and each member of the coaching staff named herein.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 61

The Speaker handed down Senate Concurrent Resolution 61, sponsored by Representatives Bardon, Atterholt, Behning, Hinkle, Mahern, and Summers:

A CONCURRENT RESOLUTION honoring Shyra Ely.

Whereas, Everyone at Ben Davis High School, Indianapolis, Indiana, already thought that senior Shyra Ely was the best girls basketball player in the nation;

Whereas, This fact has now been confirmed by Shyra's selection as the Naismith Basketball Player of the Year by the Atlanta Tipoff Club;

Whereas, The winner of the Naismith award is selected by coaches, media members, and administrators from around the country;

Whereas, Shyra has also been selected as the 2001 Indiana Miss Basketball;

Whereas, Shyra averaged 16.8 points, 10.3 rebounds, 2.3 steals, and 2.1 assists to lead the Ben Davis team to a 27 -2 season;

Whereas, Coach Stan Bengé says that Shyra is truly a team player and has never done anything to accumulate personal stats; he feels that her selection as the Naismith Basketball Player of the Year

points out how people around the country appreciate her abilities and how much she has contributed to the success of her team; and

Whereas, Exceptional ability and tremendous effort warrant special recognition: Therefore,

Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate Shyra Ely on her selection as 2001 Indiana Miss Basketball and the Naismith Basketball Player of the Year and to wish her success in her career at the University of Tennessee.

SECTION 2. That the Secretary of the Senate transmit a copy of this resolution to Shyra Ely and her family, Head Coach Stan Bengé, Assistant Coach Dexter Suggs, Assistant Coach Terry Strahm, Volunteer Assistant Coach Chrisy Taylor, Athletic Director Priscilla Dillon, Assistant Athletic Director Doug Opel, the Principal of Ben Davis High School, and the Superintendent.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1892.

DVORAK

Roll Call 431: yeas 92, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1667.

M. SMITH

Roll Call 432: yeas 79, nays 10. Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 9, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-18.5-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10.5. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit for fire protection services within a fire protection territory under IC 36-8-19, **if the civil taxing unit is a participating unit in a fire protection territory established before July 1, 2001.**

(b) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter **on a civil taxing unit that is a participating unit in a fire protection territory established before July 1, 2001**, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under IC 36-8-19.

(b) This subsection applies to a participating unit in a fire protection territory established under IC 36-8-19 after June 30, 2001. The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit for fire protection services within a fire protection territory under IC 36-8-19 for the first calendar year in which the participating unit levies a tax to support the territory. For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, for the first calendar year in which the participating unit levies a tax to support the

territory, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under IC 36-8-19.

SECTION 2. IC 36-8-12-16, AS AMENDED BY P.L.1-1999, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. (a) A volunteer fire department that provides service within a jurisdiction served by the department may establish a schedule of charges for the services that the department provides not to exceed the state fire marshal's recommended schedule for services. The volunteer fire department **or its agent** may collect a service charge according to this schedule from the owner of property that receives service if the following conditions are met:

(1) At the following times, the department gives notice under IC 5-3-1-4(d) in each political subdivision served by the department of the amount of the service charge for each service that the department provides:

(A) Before the schedule of service charges is initiated.

(B) When there is a change in the amount of a service charge.

(2) The property owner has not sent written notice to the department to refuse service by the department to the owner's property.

(3) The department's bill for payment of the service charge:

(A) is submitted to the property owner in writing within thirty (30) days after the services are provided; and

(B) includes a copy of a fire incident report in the form prescribed by the state fire marshal, if the service was provided for an event that requires a fire incident report.

(b) A volunteer fire department shall use the revenue ~~the department collects~~ **collected** from the fire service charges under this section for:

(1) the purchase of equipment, buildings, and property for firefighting, fire protection, or other emergency services;

(2) deposit in the township firefighting fund established under IC 36-8-13-4; or

(3) to pay principal and interest on a loan under IC 22-14-5.

(c) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the schedule of service charges established under subsection (a) before the schedule of service charges is initiated in that political subdivision.

(d) A volunteer fire department that:

(1) has contracted with a political subdivision to provide fire protection or emergency services; and

(2) charges for services under this section;

must submit a report to the legislative body of the political subdivision before April 1 of each year indicating the amount of service charges collected during the previous calendar year and how those funds have been expended.

(e) The state fire marshal shall annually prepare and publish a recommended schedule of service charges for fire protection services.

(f) The volunteer fire department **or its agent** may maintain a civil action to recover an unpaid service charge under this section."

Page 2, between lines 28 and 29, begin a new paragraph and insert: "SECTION 2. IC 36-8-19-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) Upon the adoption of identical ordinances under section 6 of this chapter, the designated provider unit must establish a fire protection territory fund from which all expenses of operating and maintaining the fire protection services within the territory, including repairs, fees, salaries, depreciation on all depreciable assets, rents, supplies, contingencies, and all other expenses lawfully incurred within the territory shall be paid. The purposes described in this subsection are the sole purposes of the fund and money in the fund may not be used for any other expenses. Except as allowed in subsections (d) and (e) and section 8.5 of this chapter, the provider unit is not authorized to transfer money out of the fund at any time.

(b) The fund consists of the following:

(1) All receipts from the tax imposed under this section.

(2) Any money transferred to the fund by the provider unit as authorized under subsection (d).

(c) The provider unit, with the assistance of each of the other participating units, shall annually budget the necessary money to meet the expenses of operation and maintenance of the fire protection services within the territory, plus a reasonable operating balance, not to exceed twenty percent (20%) of the budgeted expenses. After estimating expenses and receipts of money, the provider unit shall establish the tax levy required to fund the estimated budget. ~~The tax under this section is not subject to the tax levy limitations imposed on civil taxing units under IC 6-1.1-18.5.~~ The amount budgeted under this subsection shall be considered a part of each of the participating unit's budget.

(d) If the amount levied in a particular year is insufficient to cover the costs incurred in providing fire protection services within the territory, the provider unit may transfer from available sources to the fire protection territory fund the money needed to cover those costs. In this case:

(1) the levy in the following year shall be increased by the amount required to be transferred; and

(2) the provider unit is entitled to transfer the amount described in subdivision (1) from the fund as reimbursement to the provider unit.

(e) If the amount levied in a particular year exceeds the amount necessary to cover the costs incurred in providing fire protection services within the territory, the levy in the following year shall be reduced by the amount of surplus money that is not transferred to the equipment replacement fund established under section 8.5 of this chapter. The amount that may be transferred to the equipment replacement fund may not exceed five percent (5%) of the levy for that fund for that year. All participating units must agree to the amount to be transferred by adoption of identical ordinances specifying the amount.

(f) The tax under this section is not subject to the tax levy limitations imposed on civil taxing units under IC 6-1.1-18.5 for any unit that is a participating unit in a fire protection territory that was established before July 1, 2001.

(g) This subsection applies to a participating unit in a fire protection territory established under IC 36-8-19 after June 30, 2001. For purposes of calculating a participating unit's maximum permissible ad valorem property tax levy for the first calendar year in which the participating unit levies a tax to support the territory, the unit's maximum permissible ad valorem property tax levy for the preceding calendar year under IC 6-1.1-18.5-3(a) STEP ONE or IC 6-1.1-18.5-3(b) STEP ONE is increased by an amount equal to the difference between the:

(1) amount the unit will have to levy in order to fund the unit's share of the fire protection territory budget for the operating costs as provided in the ordinance making the unit a participating unit in the fire protection territory; and

(2) unit's levy for fire protection services for the calendar year that immediately precedes the first calendar year in which the participating unit levies a tax to support the territory."

Renumber all SECTIONS consecutively.

(Reference is to SB 9 as reprinted March 6, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 25, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Engrossed Senate Bill 32, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 107, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 31, after "member." insert **"However, this section does not prohibit a board from providing fund records to an association described in IC 5-10.3-8-10 or IC 21-6.1-5-17."**

Page 5, between lines 15 and 16, begin a new paragraph and insert: "SECTION 6. IC 5-10.2-4-8, AS AMENDED BY P.L.195-1999, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) As used in this section, "exempt amount" means, the annual earnings limit under the federal Social Security system at the member's Social Security normal retirement age for a member entitled to receive unreduced Social Security benefits; in the case of a member who has not attained the Social Security normal retirement age for unreduced benefits, twenty-five thousand dollars (\$25,000), computed for the calendar year in which a retired public employees' retirement fund member is reemployed and computed for the fiscal year in which a retired teachers' retirement fund member is reemployed.

(b) **This subsection does not apply to a member who is employed by the department of education.** If a member who is receiving retirement benefits and who has not attained the Social Security normal retirement age for unreduced benefits:

(1) becomes reemployed in a position covered by this article; and

(2) earns in that position more than the exempt amount; his retirement benefit payments shall stop, and the member shall begin making contributions as required in IC 5-10.2-3-2. However, employer contributions shall be made throughout the period of reemployment. **The earnings limitation under this subsection does not apply to a member who has attained the Social Security normal retirement age for unreduced benefits.**

(c) If a member who is receiving retirement benefits is reemployed in a position covered by this article not more than ninety (90) days after the member's retirement, the member's retirement benefits shall stop, the member shall begin making contributions as required by IC 5-10.2-3-2, and employer contributions shall be made throughout the period of reemployment.

(d) **If a retired member is reemployed in a position covered by this article, section 10 of this chapter applies to the member upon the member's retirement from reemployment.**

SECTION 7. IC 5-10.2-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) ~~If the member dies during reemployment, contributions and interest, if any, credited to him during reemployment shall be paid to his beneficiary.~~

(b) ~~If any a member dies during reemployment and~~ retirement benefits from before his reemployment are payable after his death, the payment of these amounts shall be made without change, **and any additional benefit earned during reemployment shall be paid as provided in section 10 of this chapter.**

SECTION 8. IC 5-10.2-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) Benefits provided under this section are subject to IC 5-10.2-2-1.5.

(b) Upon termination of reemployment, except by death, the retirement benefits from before ~~his~~ the member's reemployment which are payable after termination shall be paid without change.

(c) If the member is reemployed for fewer than ~~sixty (60)~~ ninety (90) consecutive school or working days, upon termination of

reemployment, contributions and interest credited to the ~~member~~ **member's annuity savings account** shall be paid to the member. ~~upon the member's application for withdrawal of the contributions and interest.~~

(d) If the member is reemployed for ~~sixty (60)~~ ninety (90) or more consecutive school or working days, upon termination of reemployment, the member shall receive an additional ~~retirement~~ benefit.

(e) The additional retirement benefit consists of the sum of a supplemental pension and a supplemental annuity. ~~However, a member may choose to receive a lump sum payment of the amount credited to the member in the annuity savings account during the member's reemployment. If the member chooses to receive the lump sum payment, the member is not entitled to a supplemental annuity. If the member chooses the lump sum payment and is not entitled to a supplemental annuity, the member is still entitled to receive the actuarial equivalent of the annuity payments that were not paid during the reemployment.~~

(1) The supplemental pension is computed as follows:

STEP ONE: Compute a pension under section 4 of this chapter using the member's:

(1) years of service **during the member's reemployment; and**
(2) **average** compensation and age at termination of reemployment. **during the member's reemployment, if the member is reemployed for less than five (5) years, or average of the annual compensation (as defined in section 3 of this chapter) during the member's reemployment.**

STEP TWO: Compute a pension using the member's years of service, compensation, and age at the date of reemployment.

STEP THREE: Subtract the pension in STEP TWO from the pension in STEP ONE. The remainder is the supplemental pension.

(2) If the member is entitled to a supplemental annuity, it consists of the sum of:

(A) an annuity provided by contributions and interest credited to the member during reemployment, if any, ~~and~~
(B) ~~the actuarial equivalent of the annuity payments that were not paid during the reemployment.~~

(f) The additional retirement benefits are guaranteed for five (5) years or until the member's death, whichever is later. The member may choose instead of the guaranteed payments **any of the following options from under** section 7 of this chapter

(1) ~~The joint and survivor benefit with no guarantee.~~

(2) ~~The cash refund annuity options.~~ **for the payment of the member's additional retirement benefits.**

(g) IC 5-10.2-2-7 applies to additional retirement benefits.

SECTION 9. IC 5-10.3-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The board is composed of five (5) trustees appointed by the governor:

(1) one (1) of whom must be a member of the fund with at least ten (10) years of creditable service; ~~and~~

(2) not more than three (3) of whom may be members of the same political party; ~~and~~

(3) one (1) of whom must be:

(A) a member of a collective bargaining unit of state employees represented by a labor organization; or

(B) an officer of a local, a national, or an international labor union that represents state employees.

(b) The governor shall fill by appointment vacancies on the board in the manner described in subsection (a) of this section.

(c) In making the appointments under subsection (a), the governor may consider whether at least one (1) trustee is a retired member of the fund."

Page 7, between lines 6 and 7, begin a new paragraph and insert:

"(d) A fire chief appointed under a waiver under section 6(c) of this chapter or police chief appointed under a waiver under section 6.5(c) of this chapter who is receiving, or is entitled to receive, benefits from the 1925, 1937, 1953, or 1977 fund may receive those benefits while serving as chief, subject to all normal requirements for receipt of a benefit, including a separation from service."

Page 13, between lines 37 and 38, begin a new paragraph and

insert:

"SECTION 16. IC 36-8-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter applies to:

- (1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);
- (2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996; and
- (4) a park ranger who:

- (A) completed at least the number of weeks of training at the Indiana law enforcement academy **or a comparable law enforcement academy in another state** that were required at the time the park ranger attended the Indiana law enforcement academy **or the law enforcement academy in another state;**
- (B) graduated from the Indiana law enforcement academy **or a comparable law enforcement academy in another state;** and
- (C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

except as provided by section 7 of this chapter.

SECTION 17. IC 36-8-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), and (h):

- (1) a police officer; or
- (2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires him chooses to contribute to the 1977 fund the amount necessary to amortize his prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for his prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if he:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if he:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if he:

- (1) was hired by the police or fire department of a unit before

May 1, 1977;

- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, he is entitled to receive credit for all his years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;
- (2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;
- (3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and
- (4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

- (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- (2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

- (1) completed at least the number of weeks of training at the Indiana law enforcement academy **or a comparable law enforcement academy in another state** that were required at the time the park ranger attended the Indiana law enforcement academy **or the law enforcement academy in another state;**
- (2) graduated from the Indiana law enforcement academy **or a comparable law enforcement academy in another state;** and
- (3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

SECTION 18. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 21-6.1-4-6.1, a member is entitled to service credit in the Indiana state teachers' retirement fund in an amount equal to the duration of the member's active military service if the following conditions are met:**

- (1) **The member completed military service before beginning approved college teacher training.**
- (2) **The member received an honorable discharge from military service.**
- (3) **After 1960 and before 1965, the member received a letter or other notice from the executive director of the Indiana state teachers' retirement fund erroneously stating that the member was eligible to receive service credit in the Indiana state teachers' retirement fund for the military service.**
- (4) **The member is not otherwise eligible to claim service credit in the Indiana state teachers' retirement fund for the military service.**
- (5) **The member files an application with the Indiana state teachers' retirement fund before December 31, 2001, to claim the service credit.**

(b) **Service credit provided under this SECTION applies only to**

benefits first payable after the member files an application for the service credit and the application is approved by the Indiana state teachers' retirement fund.

(c) This SECTION expires July 1, 2002.

SECTION 19. [EFFECTIVE JULY 1, 2001] **Notwithstanding IC 5-10.3-3-1, as amended by this act, the requirement in IC 5-10.3-3-1(a)(3), as added by this act, applies beginning with the first appointment or reappointment made to the board of trustees of the public employees' retirement fund after June 30, 2001."**

Renummer all SECTIONS consecutively.

(Reference is to SB 107 as printed February 20, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 1.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 137, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 14, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 138, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Engrossed Senate Bill 158, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "or".

Page 1, line 12, after ";," insert "or".

Page 1, between lines 12 and 13, begin a new line block indented and insert:

"(4) who is issued a prisoner of war license plate under IC 9-18-17-1;".

Page 1, line 13, after "purchase" insert "**or is eligible to receive**".

Page 2, line 5, delete "The" and insert "**Except as provided in subsection (d), the**".

Page 2, line 7, after "(a)(1)" insert ",".

Page 2, line 7, strike "or".

Page 2, line 7, after "(a)(2)" insert ", (a)(3), or (a)(4)".

Page 2, after line 11, begin a new paragraph and insert:

"(d) A fee may not be charged for an annual Golden Hoosier Passport issued under this section to a resident described in subsection (a)(3) or (a)(4)."

(Reference is to SB 158 as printed February 7, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 180, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 36, delete "biological" and insert "**bacterial**".

Page 7, line 36, before "use" insert "**unlawful**".

Page 7, line 37, before "threat" insert "**unlawful**".

(Reference is to SB 180 as reprinted March 7, 2001.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 188, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 199, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-19-5.6 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2001]: **Sec. 5.6. A school corporation may appeal to the state board**

of tax commissioners under this chapter to increase the school

corporation's general fund levy. To be granted an increase by the

state board of tax commissioners, the school corporation must

establish that the increase is necessary because employee health

insurance costs increased over the preceding year as a result of at

least one (1) of the following:

(1) A health insurance premium increase that did not result from a change in the design of the school corporation's health insurance plan.

(2) An increase in the enrollment in the school corporation's health insurance program.

In addition, before the state board of tax commissioners may grant a general fund levy increase, the school corporation must establish that the school corporation will be unable, without an increase, to provide insurance coverage at the current level of coverage. The state board of tax commissioners may grant a levy increase that is less than the increase requested by the school corporation under this section.

SECTION 2. IC 6-3.5-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8. Local Option Income Tax for Education

Sec. 1. As used in this chapter, "adjusted gross income" has the meaning set forth in IC 6-3-1-3.5(a).

Sec. 2. As used in this chapter, "apportioned net income" means net income (as defined in IC 6-3-8-2) multiplied by:

(1) the assessed value of all property of a corporation that is:

(A) taxable under IC 6-1.1; and

(B) located in the school corporation; divided by

(2) the assessed value of all property of the corporation that is:

(A) taxable under IC 6-1.1; and

(B) located in Indiana.

Sec. 3. As used in this chapter, "corporate taxpayer" means a corporation that has net income for the taxable year under IC 6-3-8.

Sec. 4. As used in this chapter, "department" refers to the department of state revenue.

Sec. 5. As used in this chapter, "individual taxpayer" means an individual who resides in a school corporation on the date specified in section 16 of this chapter.

Sec. 6. As used in this chapter, "school corporation" means a public school corporation established by Indiana law.

Sec. 7. (a) The governing body of a school corporation may impose

a local option income tax for education, which consists of a tax on the adjusted gross income of individual taxpayers and on the apportioned net income of corporations. If the tax is imposed, the tax takes effect July 1 of the year that the ordinance imposing the tax is adopted.

(b) Except as provided in subsection (c), the tax on individual taxpayers and on corporate taxpayers may be imposed at a rate of not more than twenty-five hundredths percent (0.25%). The rate applies to the adjusted gross income of the school corporation's individual taxpayers and to the apportioned net income of the school corporation's corporate taxpayers. The rate must be the same for individual taxpayers and for corporate taxpayers.

Sec. 8. (a) To impose the local option income tax for education, a governing body of a school corporation must, after January 1 but before May 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The _____ Governing Body imposes the local option income tax for education on the individual taxpayers and corporate taxpayers of the _____ (insert name of school corporation). The local option income tax for education consists of an individual income tax and a corporate surtax. The income tax is imposed at a rate of _____ percent (____%) on the individual taxpayers and corporate taxpayers of the school corporation. The income tax takes effect July 1 of this year.".

(b) An ordinance adopted under this section takes effect July 1 of the year the ordinance is adopted.

Sec. 9. (a) The governing body of a school corporation may increase or decrease the local option income tax for education rate imposed on individual taxpayers and corporate taxpayers. To increase or decrease the rate, the governing body must, after January 1 but before May 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The _____ Governing Body increases (or decreases) the local option income tax for education rate. The tax rate imposed upon the individual taxpayers and on corporate taxpayers of the school corporation is increased (or decreased) from (insert current rate) to (insert proposed rate). This tax rate increase (or decrease) takes effect July 1 of this year for individual taxpayers. The increased (or decreased) rate takes effect January 1 of next year for corporate taxpayers.".

(b) An ordinance adopted under this section takes effect July 1 of the year the ordinance is adopted.

Sec. 10. (a) The local option income tax for education imposed by a governing body under this chapter remains in effect until rescinded.

(b) A governing body may rescind the local option income tax for education by adopting an ordinance to rescind the tax after January 1 but before June 1 of a year.

(c) An ordinance adopted under this section takes effect July 1 of the year the ordinance is adopted.

Sec. 11. If the local option income tax for education is not in effect during an individual taxpayer's or a corporate taxpayer's entire taxable year, the amount of local option income tax for education that the taxpayer owes for that taxable year equals the product of:

(1) the amount of the local option income tax for education the taxpayer would owe if the tax had been imposed during the taxpayer's entire taxable year; multiplied by

(2) a fraction. The numerator equals the number of days during the taxpayer's taxable year that the local option income tax for education was in effect. The denominator equals the total number of days in the taxpayer's taxable year.

Sec. 12. (a) If, for a particular taxable year, an individual taxpayer is allowed, or an individual taxpayer and the individual taxpayer's spouse who file a joint return are allowed, a credit for the elderly or the totally disabled under Section 22 of the Internal Revenue Code (as defined in IC 6-3-1-11), the individual taxpayer is entitled, or the individual taxpayer and the individual taxpayer's spouse are entitled, to a credit against their local option income tax for education liability for that same taxable year. The amount of the credit equals the lesser of the following:

(1) The product of:

(A) the credit for the elderly or the totally disabled for the

same taxable year; multiplied by

(B) a fraction. The numerator is the local option income tax for education rate imposed against the individual taxpayer or the individual taxpayer and the individual taxpayer's spouse. The denominator is fifteen-hundredths (0.15).

(2) The amount of local option income tax for education imposed on the individual taxpayer or the individual taxpayer and the individual taxpayer's spouse.

(b) If an individual taxpayer and the individual taxpayer's spouse file a joint return and are subject to different local option income tax for education tax rates for the same taxable year, they shall compute the credit under this section by using the formula provided in subsection (a), except that they shall use the average of the two (2) tax rates imposed against them as the numerator referred to in subsection (a)(1)(B).

Sec. 13. (a) A special account within the state general fund shall be established for each school corporation adopting the local option income tax for education. Revenue derived from the imposition of the local option income tax for education by a school corporation shall be deposited in that school corporation's account in the state general fund.

(b) Income earned on money held in an account under subsection (a) becomes a part of that account.

(c) Revenue remaining in an account established under subsection (a) at the end of a state fiscal year does not revert to the state general fund.

Sec. 14. Revenue derived from the imposition of the local option income tax for education shall be distributed to the school corporation that imposed the tax not more than thirty (30) days after the tax is deposited within the school corporation's account.

Sec. 15. (a) The county auditor shall each year reduce the general fund property tax levy of a school corporation receiving a distribution under this chapter in that year. The school corporation's general fund property tax levy shall be reduced by the amount of the distribution received or to be received by the school corporation during the year. The state board of tax commissioners shall certify to the auditor of each county in which a school corporation receiving a distribution is located the property tax rate applicable to the school corporation's general fund after the property tax reduction under this section.

(b) A school corporation shall treat a distribution that the school corporation receives or is to receive during a particular calendar year as a part of the school corporation's property tax levy for the general fund for that same calendar year for purposes of fixing the school corporation's budget and for purposes of the property tax levy limits imposed by IC 6-1.1-19 and the calculation of state tuition support under IC 21-3-1.7. However, the distributions shall not reduce the total county tax levy that is used to compute the state property tax replacement credit under IC 6-1.1-21. In addition, for the purposes of computing and distributing any excise taxes or income taxes in which the distribution is based on property taxes, the distributions shall be treated as though they were property taxes that were due and payable during that same calendar year.

(c) A school corporation may use distributions received under this chapter only for the purpose of making employer contributions to the Indiana state teachers' retirement fund on behalf of the school corporation's employees who are members of that fund.

Sec. 16. (a) For purposes of this chapter, an individual shall be treated as an individual taxpayer of the school corporation in which the individual:

(1) maintains a residence, if the individual maintains only one (1) residence in Indiana;

(2) if subdivision (1) does not apply, registers to vote;

(3) if subdivision (1) or (2) does not apply, registers the individual's personal automobile; or

(4) if subdivision (1), (2), or (3) does not apply, spends the majority of the individual's time in Indiana during the taxable year in question.

(b) Whether an individual is an individual taxpayer is determined on January 1 of the calendar year in which the individual's taxable year commences. If an individual changes the location of the

individual's residence to another school corporation in Indiana during a calendar year, the individual's liability for local option income tax for education is not affected.

Sec. 17. (a) Except as otherwise provided in this chapter, all provisions of the adjusted gross income tax law (IC 6-3) concerning:

- (1) definitions;
- (2) declarations of estimated tax;
- (3) filing of returns;
- (4) remittances;
- (5) incorporation of the provisions of the Internal Revenue Code;
- (6) penalties and interest;
- (7) exclusion of military pay credits for withholding; and
- (8) exemptions and deductions;

apply to the imposition, collection, and administration of the tax imposed by this chapter. The local option income tax for education is a listed tax and an income tax for purposes of IC 6-8.1.

(b) The provisions of IC 6-3-1-3.5(a)(5), IC 6-3-3-3, IC 6-3-3-5, and IC 6-3-5-1 do not apply to the tax imposed by this chapter.

(c) Each employer shall report to the department the amount of withholdings attributable to each school corporation. This report shall annually be submitted with the employer's withholding report.

Sec. 18. Before February 1 of each year, the department shall submit a report to each county treasurer indicating the balance in the school corporation's education income tax account at the end of the preceding year. The county treasurer shall forward a copy of the report to the school corporation.

SECTION 3. IC 6-8.1-1-1, AS AMENDED BY P.L.181-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the gross income tax (IC 6-2.1); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); **the local option income tax for education (IC 6-3.5-8)**; the auto rental excise tax (IC 6-6-9); the bank tax (IC 6-5-10); the savings and loan association tax (IC 6-5-11); the production credit association tax (IC 6-5-12); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various county food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 4. IC 20-5-4-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.7. (a) For purposes of this section, "retirement or severance liability" means the payments anticipated to be required to be made to employees of a school corporation upon or after the termination of their employment by the school corporation under an existing or previous employment agreement.

(b) In addition to the purposes set forth in section 1 of this chapter, a school corporation may issue bonds to implement solutions to contractual retirement or severance liability. The issuance of bonds for this purpose is subject to the following limitations:

- (1) A school corporation may issue bonds for the purpose described in this section only one (1) time.

(2) The solution to which the bonds are contributing must be reasonably expected to reduce the school corporation's existing unfunded contractual liability for retirement or severance payments, as of June 30, 1998.

(3) The amount of the bonds that may be issued for the purpose described in this section may not exceed two percent (2%) of the total assessed valuation of property in the school corporation.

(4) Each year that a debt service levy is needed under this section, the school corporation shall reduce its total property tax levy for the school corporation's transportation, capital projects, or art association and historical society funds in an amount equal to the property tax levy needed for the debt service under this section. The property tax rate for each of these funds shall be reduced each year until the bonds are retired.

(c) Bonds issued for the purpose described in this section shall be issued in the same manner as other bonds of the school corporation.

(d) Bonds issued under this section must be issued before December 31, 2003."

Page 2, line 2, delete "actuarially pre-fund" and insert "fund on an actuarially sound basis".

Page 2, line 7, delete "pre-fund" and insert "fund on an actuarially sound basis".

Page 2, after line 11, begin a new paragraph and insert: "SECTION 6. IC 21-2-15.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 15.5. Health Insurance and Retirement Benefit Fund

Sec. 1. As used in this chapter, "fund" refers to a health insurance and retirement benefit fund established under section 2 of this chapter.

Sec. 2. A school corporation may establish a health insurance and retirement benefit fund.

Sec. 3. A school corporation may use money in a fund only for the purposes of paying the following:

- (1) Employee health insurance costs.
- (2) Benefits under a retirement or severance plan established by the school corporation.

Sec. 4. A school corporation may for a year impose a property tax levy for its health insurance and retirement benefit fund that is equal to the sum of the following:

- (1) If a school corporation has not imposed the maximum property tax rate that it may impose for the school corporation's capital projects fund under IC 21-2-15 for a year, the amount that would be raised from a property tax rate that does not exceed the lesser of:

- (A) eight and thirty-three hundredths cents (\$.0833); or
- (B) the difference between:

(i) the maximum property tax rate that may be imposed for the school corporation's capital projects fund under IC 21-2-15 for the year; minus

(ii) the property tax rate that is imposed for the school corporation's capital projects fund under IC 21-2-15 for the year.

- (2) If a school corporation has not imposed the school corporation's maximum permissible transportation fund levy under IC 21-2-11.5 for the year, an amount equal to the difference between:

(A) the school corporation's maximum permissible transportation fund levy under IC 21-2-11.5; minus

(B) the transportation fund levy imposed by the school corporation for the year under IC 21-2-11.5.

- (3) If a school corporation has not imposed the maximum property tax rate that it may impose for the school corporation's historical society fund under IC 20-5-17.5 for a year, the amount that would be raised from a property tax rate equal to the difference between:

(A) maximum property tax rate that it may impose for the school corporation's historical society fund under IC 20-5-17.5 for the year; minus

(B) property tax rate imposed by the school corporation for its historical society fund under IC 20-5-17.5 for the year.

(4) If a school corporation has not imposed the maximum property tax rate that it may impose for the school corporation's art association fund under IC 20-5-17.5 for a year, the amount that would be raised from a property tax rate equal to the difference between:

(A) maximum property tax rate that it may impose for the school corporation's art association fund under IC 20-5-17.5 for the year; minus

(B) property tax rate imposed by the school corporation for its art association fund under IC 20-5-17.5 for the year.

Sec. 5. Interest earned on amounts in the fund shall be deposited in the fund.

SECTION 7. IC 20-5-4-1.7 IS REPEALED [EFFECTIVE DECEMBER 31, 2003].

SECTION 8. [EFFECTIVE DECEMBER 31, 2003] **Notwithstanding the repeal of IC 20-5-4-1.7, as added by this act, the following provisions apply to bonds issued under IC 20-5-4-1.7, as added by this act, before December 31, 2003:**

(1) The bonds remain valid and binding obligations of the school corporation that issued them, as if IC 20-5-4-1.7 had not been repealed.

(2) Each year that a debt service levy is needed for the bonds, the school corporation that issued the bonds shall reduce its total property tax levy for the school corporation's other funds in an amount equal to the property tax levy needed for the debt service on the bonds.

SECTION 9. [EFFECTIVE JULY 1, 2001] (a) IC 6-1.1-19-5.6, as added by this act, applies to property taxes first due and payable after December 31, 2001.

(b) This SECTION expires January 1, 2003.

SECTION 10. [EFFECTIVE JULY 1, 2001] IC 21-2-15.5, as added by this act, applies only to property taxes first due and payable after December 31, 2001.

SECTION 11. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to SB 199 as reprinted February 13, 2001.) and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 4.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 1.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 248, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "of an unemancipated child" and insert "**or within hearing of a person who is**".

Page 1, line 15, after "age" insert "**who was not the victim of the offense**".

Page 3, line 16, delete "of an" and insert "**or within hearing of a person who is**".

Page 3, line 17, delete "unemancipated child".

Page 3, line 17, after "age" insert "**who was not the victim of the offense**".

Page 4, line 35, delete "for which the offender" and insert "**committed**".

Page 4, line 36, delete "is initially convicted".

(Reference is to SB 248 as printed February 2, 2001.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 255, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Page 2, after line 17, begin a new paragraph and insert:

"SECTION 2. IC 36-7-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) A unit may establish, by ordinance, a historic preservation commission with an official name designated in the ordinance. The commission must have not less than three (3) nor more than nine (9) voting members, as designated by the ordinance. The voting members shall be appointed by the executive of the unit, subject to the approval of the legislative body. Voting members shall each serve for a term of three (3) years. However, the terms of the original voting members may be for one (1) year, two (2) years, or three (3) years in order for the terms to be staggered, as provided by the ordinance. A vacancy shall be filled for the duration of the term. **In the case of a commission with jurisdiction in a city having a population of more than ninety thousand (90,000) but less than one hundred ten thousand (110,000) located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the commission must after June 30, 2001, include as a voting member the superintendent of the largest school corporation in the city.**

(b) The ordinance may provide qualifications for members of the commission, but members must be residents of the unit who are interested in the preservation and development of historic areas. The members of the commission should include professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community. The ordinance may also provide for the appointment of advisory members that the legislative body considers appropriate.

(c) The ordinance may:

(1) designate an officer or employee of the unit to act as administrator;

(2) permit the commission to appoint an administrator who shall serve without compensation except reasonable expenses incurred in the performance of the administrator's duties; or

(3) provide that the commission act without the services of an administrator.

(d) Members of the commission shall serve without compensation except for reasonable expenses incurred in the performance of their duties.

(e) The commission shall elect from its membership a chairman and vice chairman, who shall serve for one (1) year and may be reelected.

(f) The commission shall adopt rules consistent with this chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings. All meetings of the commission must be open to the public, and a public record of the commission's resolutions, proceedings, and actions must be kept. If the commission has an administrator, the administrator shall act as the commission's secretary, otherwise, the commission shall elect a secretary from its membership.

(g) The commission shall hold regular meetings, at least monthly, except when it has no business pending.

(h) A decision of the commission is subject to judicial review under IC 4-21.5-5 as if it was a decision of a state agency.

SECTION 3. IC 36-7-11-8.5 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8.5. (a) When submitting a map to the legislative body under section 7 or 8 of this chapter, the commission may declare one (1) or more buildings or structures that are classified and designated as historic on the map to be under interim protection.

(b) Not more than two (2) working days after declaring a building or structure to be under interim protection under this section, the commission shall, by personal delivery or first class mail, provide the owner or occupant of the building or structure with a written notice of the declaration. The written notice must:

- (1) cite the authority of the commission to put the building or structure under interim protection under this section;
- (2) explain the effect of putting the building or structure under interim protection; and
- (3) indicate that the interim protection is temporary.

(c) A building or structure put under interim protection under subsection (a) remains under interim protection until:

(1) in a county other than a county described in subdivision (2), the map is:

- (+) **(A) submitted to; and**
 - (-) **(B) approved in an ordinance or rejected by;**
- the legislative body of the unit; **or**

(2) in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the earlier of:

- (A) thirty (30) days after the building or structure is declared to be under interim protection; or**
 - (B) the date the map is:**
 - (i) submitted to; and**
 - (ii) approved in an ordinance or rejected by;**
- the legislative body of the unit.**

(d) While a building or structure is under interim protection under this section:

- (1) the building or structure may not be demolished or moved; and
- (2) the exterior appearance of the building or structure may not be conspicuously changed by:
 - (A) addition;
 - (B) reconstruction; or
 - (C) alteration.

SECTION 4. IC 36-7-11-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 22. (a) This section applies only to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).**

(b) Notwithstanding any other provision, in the case of a building or structure owned by a political subdivision that is classified by a commission as historic and for which the classification is approved by the legislative body of the unit that established the commission, the commission may remove the historic classification of the building or structure without the adoption of an ordinance by the legislative body of the unit if the commission determines that removal of the classification is in the best interest of the unit and the political subdivision."

Renumber all SECTIONS consecutively.

(Reference is to SB 255 as printed January 31, 2001.)
and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred Engrossed Senate Bill 261, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 36, delete "IC 24-4.5-3-209" and insert **"IC 24-4.5-3-209(1)".**

(Reference is to SB 261 as printed February 27, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 1.

BODIKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 268, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 22, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 298, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 9 through 17 with "[EFFECTIVE JULY 1, 2001]".

Page 7, line 8, delete "[EFFECTIVE JANUARY 1, 2003]" and insert "[EFFECTIVE JULY 1, 2001]".

Page 7, line 8, after "Sec. 1." insert "(a)".

Page 7, line 8, strike "shall be".

Page 7, line 9, strike "and".

Page 7, line 9, strike "hereby".

Page 7, line 9, delete "Superior Court" and insert **"a court of record to be known as the Howard superior court"**.

Page 7, line 9, strike "in Howard County, Indiana,".

Page 7, line 10, strike "which shall consist of".

Page 7, line 10, delete "three (3)" and insert **"(referred to as "the court" in this chapter). Howard County comprises the judicial district of the court."**

(b) The court has four (4)".

Page 7, line 10, strike "hold their".

Page 7, strike lines 11 through 12 and insert **"be elected at the general election every six (6) years in Howard County. A judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor."**

(c) To be eligible to hold office as judge of the court, a person must:

(1) be a resident of Howard County;

(2) be less than seventy (70) years of age at the time of taking office; and

(3) be admitted to the bar of Indiana.

SECTION 20. IC 33-5-20.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. ~~The superior court, within and for the county, shall have original and concurrent jurisdiction with the circuit court in all civil actions and proceedings at law and in equity; probate and guardianship proceedings; actions for divorce, separation, or annulment of marriage; and in all criminal cases and proceedings; Provided, however, That the Superior court shall not have the jurisdiction of a juvenile court or judge thereof; as defined by IC 33-12.~~

~~The Superior Court, within and for said county, shall have original and concurrent jurisdiction in all appeals or reviews from boards of county commissioners, other executive or administrative agencies or inferior courts, and all other appellate jurisdictions vested in the circuit court.~~ **(a) Except as provided in subsection (b), the court has the same jurisdiction as the Howard circuit court.**

(b) The Howard circuit court has exclusive juvenile jurisdiction.

SECTION 21. IC 33-5-20.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. ~~The judges of the court shall have the same power to grant restraining orders, injunctions and writs of ne exeat, to issue writs of habeas corpus and of mandate and prohibition; to appoint receivers, masters and commissioners to convey real property; and to grant commissions for the examination~~

of witnesses; and to appoint other officers necessary to facilitate and transact the business of the court as is now or may hereafter be conferred on circuit courts or the judges thereof: **powers relating to the conduct of the business of the court as the judge of the Howard circuit court. A judge of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.**

SECTION 22. IC 33-5-20.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. ~~The superior~~ **Each judge of the court of Howard County** shall hold its sessions in the Howard County courthouse in the city of Kokomo, Indiana, or in ~~such~~ **the other convenient and suitable place places in the county** as the board of county commissioners of Howard County shall provide. Said Board of county commissioners shall provide and maintain a suitable and convenient courtroom for the holding of the court; with a suitable and convenient jury room and offices for the judge and the official court reporter; which rooms shall be ready for occupancy by July 1, 1974; and the county council shall meet and appropriate all necessary funds therefor: ~~executive may provide.~~ **The county executive shall provide and maintain suitable courtrooms and other rooms and facilities, including furniture and equipment, as may be necessary. The Howard County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.**

SECTION 23. IC 33-5-20.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. Each judge shall appoint a bailiff and a court reporter whose duties, salary and term shall be regulated in the same manner as now or hereafter provided for the circuit court. A judge of the court may appoint a referee, commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. Their salaries shall be fixed in the same manner as the salaries of the personnel for the Howard circuit court. Their salaries shall be paid monthly out of the treasury of Howard County as provided by law. Personnel appointed under this section continue in office until removed by the judge of the court.

SECTION 24. IC 33-5-20.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. Prior to the commencement of any term of said court, at the time and place provided by law, the clerk of said court and jury commissioners appointed by the judge of the circuit court of said county as provided by law, shall proceed to select a petit jury; in the manner as is now provided by law, to serve at the next ensuing term of court; and the officers in selecting; and the clerk, in issuing process for; the jury; and the sheriff in serving the same; shall in all things be governed by the rules and regulations prescribed for the selection of petit jurors in the circuit court: Provided, That the court may order on what day of the term the jurors shall be summoned to attend the court. The judge of the court may order the selecting and summoning of other jurors for the court whenever the same may be necessary. The jury commissioners appointed by the judge of the Howard circuit court shall serve as the jury commissioners for the court. Juries shall be selected in the same manner as juries for the Howard circuit court. The grand jury selected for the Howard circuit court shall also serve as the grand jury for the court as may be necessary.

SECTION 25. IC 33-5-20.1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21. The judge of the circuit court may, with the consent of ~~this~~ **a judge of the court**, transfer any action, cause or proceeding filed and docketed in the circuit court to ~~this~~ **the court** by transferring all original papers and instruments filed in such action, cause or proceeding without further transcript thereof to be redocketed and disposed of as if originally filed with this court.

SECTION 26. IC 33-5-20.1-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 27. **The court has a standard small claims and misdemeanor division."**

Page 9, between lines 19 and 20 begin a new paragraph and insert:
"SECTION 32. IC 33-5-44.1-1, AS AMENDED BY P.L.45-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. There is hereby established a superior court in Vigo County, Indiana, which court shall consist of ~~four~~ **five** (5)

judges who shall hold their office for six (6) years if they behave well and until their successors have been elected and qualified. In addition to the ~~four~~ **five** (5) judges, the judge of the Vigo circuit court may sit as a judge of said Vigo superior court as provided in this chapter."

Page 17, line 18, after "IC 33-5-5.1-8.5;" insert "IC 33-5-20.1-2; IC 33-5-20.1-14; IC 33-5-20.1-16; IC 33-5-20.1-17; IC 33-5-20.1-18; IC 33-5-20.1-24; IC 33-5-20.1-25; IC 33-5-20.1-26; IC 33-5-20.2;"

Page 18, line 11, delete "initial judge" and insert "governor shall appoint the initial judge of DeKalb superior court No. 2, as added by this act. The term of the judge appointed by the governor under this subsection ends December 31, 2002. The initial election of the judge of DeKalb superior court No. 2, as added by this act, is the general election to be held November 5, 2002. The person elected takes office January 1, 2003.

(b) The governor shall appoint the initial judge of the Vigo superior court, as added by this act. The term of the judge appointed by the governor under this subsection begins January 1, 2002, and ends December 31, 2004. The initial election of the judge of the Vigo superior court, as added by this act, is the general election to be held November 2, 2004. The person elected takes office January 1, 2005.

(c) The governor shall appoint the initial judge of Howard superior court No. 4, as added by this act. The term of the judge appointed by the governor under this subsection ends December 31, 2002. The initial election of the judge of Howard superior court No. 4, as added by this act, is the general election to be held November 5, 2002. The person elected takes office January 1, 2003.

(d) Except as provided by this subsection, the concurrent repeal of IC 33-5-20.2 by this act and the addition of one (1) of the two (2) judges to the Howard superior court by IC 33-5-20.1-1, as amended by this act, constitutes a relocation of the law governing Howard superior court No. 3 to a new position in the Indiana Code. The general assembly intends that the term of office, qualifications, powers, and duties of the judge of Howard superior court No. 3 on June 30, 2001, and cases pending before Howard superior court No. 3 on June 30, 2001, be unaffected by this act, except that Howard superior court No. 3 is subject after June 30, 2001, to the court rules adopted and the orders of the presiding judge selected under IC 33-5-20.1-19 and the actions taken in concert by the court or by the presiding judge of the court under IC 33-5-20.1-20.

(e) The amendment of IC 33-5-20.1-1, except to the extent that the amendment adds one (1) judge, IC 33-5-20.1-4, IC 33-5-20.1-7, IC 33-5-20.1-13, IC 33-5-20.1-15, and IC 33-5-20.1-21 by this act and the repeal of IC 33-5-20.1-2, IC 33-5-20.1-14, IC 33-5-20.1-16, IC 33-5-20.1-17, IC 33-5-20.1-18, IC 33-5-20.1-24, IC 33-5-20.1-25, and IC 33-5-20.1-26 by this act are intended to promote uniformity by bringing the law governing the Howard superior court more into conformity with the laws governing superior courts in other judicial districts in Indiana. However, to the extent that the amendment of IC 33-5-20.1-1, as amended by this act, would otherwise disqualify a person who is a judge of a Howard superior court on June 30, 2001, the amendments concerning the qualifications of a judge of the Howard superior court do not apply to the office held by the judge until after the expiration of the current term of the judge who holds the office on June 30, 2001.

(f) Notwithstanding IC 33-5-10.8-17, as amended by this act, if the judge of DeKalb superior court No. 2, as added by this act, has not been appointed and qualified on July 1, 2001, the DeKalb superior court may employ or continue the employment of a part-time small claims referee under IC 33-5-2.5 to assist the court in the exercise of its small claims jurisdiction until the judge is appointed and qualified. Until the judge is appointed and qualified, the small claims referee shall be compensated, provided with suitable facilities, equipment, and administrative staff, and has powers and duties under IC 33-5-2.5 as if IC 33-5-10.8-17 had not been amended by this act."

Page 18, delete lines 12 through 18.

Page 18, line 19, delete "(c)" and insert "(g)".

Page 18, line 26, delete "(d)" and insert "(h)".

Page 18, line 26, delete "2003" and insert "2005".

Renumber all SECTIONS consecutively.

(Reference is to SB 298 as reprinted March 6, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 301, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

KROMKOWSKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 388, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 428, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 12, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 17. IC 25-22.5-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. The board shall do the following:

(1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:

(A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.

(B) The examination for licensure.

(C) The license or permit.

(D) Fees for examination, permit, licensure, and registration.

(E) Reinstatement of licenses and permits.

(F) Payment of costs in disciplinary proceedings conducted by the board.

(G) Establishment of requirements for the reporting of continuing education on license renewal forms. The rules adopted under this clause must require a practitioner who seeks to renew a license under this article to sign a statement, on a license renewal form prescribed by the board, indicating the number of hours of continuing education completed during the license renewal period. The renewal form prescribed by the board must contain a statement recommending that a practitioner retain, for two (2) years following renewal of the practitioner's license, verification of the number of continuing education hours reported on the form.

(2) Administer oaths in matters relating to the discharge of its official duties.

(3) Enforce this article and assign service bureau personnel duties as may be necessary in the discharge of the board's duty.

(4) Maintain, through the service bureau, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.

(5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.

(6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the next regular meeting of the board.

(7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.

(8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

SECTION 18. IC 25-22.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A license issued under this article expires on June 30 of each odd-numbered year. Before June 30 of an odd-numbered year, an applicant for renewal shall pay the biennial renewal fee set by the board under IC 25-22.5-2-7.

(b) If the holder of a license does not renew the license by June 30 of each odd-numbered year, the license expires and becomes invalid without any action taken by the board. A license that becomes invalid under this subsection may be reinstated by the board up to three (3) years after the invalidation if the holder of the invalid license pays:

- (1) the penalty fee set by the board under IC 25-22.5-2-7; and
- (2) the renewal fee for the biennium.

(c) If a license that becomes invalid under this section is not reinstated by the board within three (3) years of its invalidation, the holder of the invalid license may be required by the board to take an examination for competence before the board will reinstate the holder's license.

(d) The board may adopt rules under IC 25-22.5-2-7 establishing requirements for the reinstatement of a lapsed license.

(e) Every two (2) years, the board may randomly audit, for the purpose of verifying continuing education hours, at least one percent (1%) but not more than ten percent (10%) of the practitioners who report continuing education hours on the license renewal form under IC 25-22.5-2-7(1)(G).

SECTION 19. IC 25-23-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The board shall do the following:

(1) Adopt under IC 4-22-2 rules necessary to enable it to carry into effect this chapter.

(2) Prescribe standards and approve curricula for nursing education programs preparing persons for licensure under this chapter.

(3) Provide for surveys of such programs at such times as it considers necessary.

(4) Accredit such programs as meet the requirements of this chapter and of the board.

(5) Deny or withdraw accreditation from nursing education programs for failure to meet prescribed curricula or other standards.

(6) Examine, license, and renew the license of qualified applicants.

(7) Issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings.

(8) Cause the prosecution of all persons violating this chapter and have power to incur necessary expenses for these prosecutions.

(9) Adopt rules under IC 4-22-2 that do the following:

(A) Prescribe standards for the competent practice of registered, practical, and advanced practice nursing.

(B) Establish with the approval of the medical licensing board created by IC 25-22.5-2-1 requirements that advanced practice nurses must meet to be granted authority to prescribe legend drugs and to retain that authority.

(C) Establish requirements for the reporting of continuing education on license renewal forms. The rules adopted under this clause must require a nurse who seeks to renew a license under this article to sign a statement, on a license renewal form prescribed by the board, indicating the number of hours of continuing education completed during

the license renewal period. The renewal form prescribed by the board must contain a statement recommending that a nurse retain, for two (2) years following renewal of the nurse's license, verification of the number of continuing education hours reported on the form. For the purposes of this clause, continuing education includes in-service training and educational seminars.

- (10) Keep a record of all its proceedings.
- (11) Collect and distribute annually demographic information on the number and type of registered nurses and licensed practical nurses employed in Indiana.
- (12) Notify each registered nurse and licensed practical nurse residing in Indiana when final rules concerning the practice of nursing are published in the Indiana register.
- (b) The board may do the following:
 - (1) Create ad hoc subcommittees representing the various nursing specialties and interests of the profession of nursing. Persons appointed to a subcommittee serve for terms as determined by the board.
 - (2) Utilize the appropriate subcommittees so as to assist the board with its responsibilities. The assistance provided by the subcommittees may include the following:
 - (A) Recommendation of rules necessary to carry out the duties of the board.
 - (B) Recommendations concerning educational programs and requirements.
 - (C) Recommendations regarding examinations and licensure of applicants.
 - (3) Appoint nurses to serve on each of the ad hoc subcommittees.
- (c) Nurses appointed under subsection (b) must:
 - (1) be committed to advancing and safeguarding the nursing profession as a whole; and
 - (2) represent nurses who practice in the field directly affected by a subcommittee's actions.

SECTION 20. IC 25-23-1-16.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16.1. (a) A license to practice as a registered nurse expires on October 31 in each odd-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(b) A license to practice as a licensed practical nurse expires on October 31 in each even-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(c) The procedures and fee for renewal shall be set by the board.

(d) At the time of license renewal, each registered nurse and each licensed practical nurse shall pay an additional three dollar (\$3) fee. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

- (1) Three dollars (\$3) per license renewed under this section.
- (2) The cost per license to operate the impaired nurses program, as determined by the health professions bureau.

(e) Every two (2) years, the board may randomly audit, for the purpose of verifying continuing education hours, at least one percent (1%) but not more than ten percent (10%) of the nurses who report continuing education hours on the license renewal form under section 7(a)(9)(C) of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to SB 428 as printed March 2, 2001.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 454, has had the same under consideration and begs leave to report the same back to the House with the

recommendation that said bill do pass.

Committee Vote: yeas 14, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 505, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 14, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 526, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JANUARY 1, 2002]".

Page 2, line 17, delete ", nonsupervised".

Page 2, line 18, delete "lender,".

(Reference is to SB 526 as printed February 9, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 533, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 561, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

Page 4, between lines 10 and 11, begin a new paragraph and insert: "SECTION 2. IC 6-3.5-1.1-15, AS AMENDED BY P.L.273-1999, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) As used in this section, "attributed levy" of a civil taxing unit means the sum of:

(1) the ad valorem property tax levy of the civil taxing unit that is currently being collected at the time the allocation is made; plus

(2) the current ad valorem property tax levy of any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the civil taxing unit; plus

(3) the amount of federal revenue sharing funds and certified shares that were used by the civil taxing unit (or any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the civil taxing unit) to reduce its ad valorem property tax levies below the limits imposed by IC 6-1.1-18.5; plus

(4) in the case of a county, an amount equal to:

(A) the property taxes imposed by the county in 1999 for the

county's welfare fund and welfare administration fund; **plus (B) after December 31, 2002, the greater of zero (0) or the difference between:**

- (i) the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3; minus**
- (ii) the current uninsured parents program property tax levy imposed by the county.**

(b) The part of a county's certified distribution that is to be used as certified shares shall be allocated only among the county's civil taxing units. Each civil taxing unit of a county is entitled to receive a percentage of the certified shares to be distributed in the county equal to the ratio of its attributed levy to the total attributed levies of all civil taxing units of the county.

(c) The local government tax control board established by IC 6-1.1-18.5-11 shall determine the attributed levies of civil taxing units that are entitled to receive certified shares during a calendar year. If the ad valorem property tax levy of any special taxing district, authority, board, or other entity is attributed to another civil taxing unit under subsection (b)(2), then the special taxing district, authority, board, or other entity shall not be treated as having an attributed levy of its own. The local government tax control board shall certify the attributed levy amounts to the appropriate county auditor. The county auditor shall then allocate the certified shares among the civil taxing units of ~~his~~ **the auditor's** county.

(d) Certified shares received by a civil taxing unit shall be treated as additional revenue for the purpose of fixing its budget for the calendar year during which the certified shares will be received. The certified shares may be allocated to or appropriated for any purpose, including property tax relief or a transfer of funds to another civil taxing unit whose levy was attributed to the civil taxing unit in the determination of its attributed levy.

SECTION 3. IC 6-3.5-6-17.6, AS AMENDED BY P.L.273-1999, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17.6. (a) This section applies to a county containing a consolidated city.

(b) On or before July 15 of each year, the budget agency shall make the following calculation:

STEP ONE: Determine the cumulative balance in a county's account established under section 16 of this chapter as of the end of the current calendar year.

STEP TWO: Divide the amount estimated under section 17(b) of this chapter before any adjustments are made under section 17(c) or 17(d) of this chapter by twelve (12).

STEP THREE: Multiply the STEP TWO amount by three (3).

STEP FOUR: Subtract the amount determined in STEP THREE from the amount determined in STEP ONE.

(c) For 1995, the budget agency shall certify the STEP FOUR amount to the county auditor on or before July 15, 1994. Not later than January 31, 1995, the auditor of state shall distribute the STEP FOUR amount to the county auditor to be used to retire outstanding obligations for a qualified economic development tax project (as defined in IC 36-7-27-9).

(d) After 1995, the STEP FOUR amount shall be distributed to the county auditor in January of the ensuing calendar year. The STEP FOUR amount shall be distributed by the county auditor to the civil taxing units within thirty (30) days after the county auditor receives the distribution. Each civil taxing unit's share equals the STEP FOUR amount multiplied by the quotient of:

- (1) the maximum permissible property tax levy under IC 6-1.1-18.5 for the civil taxing unit, plus, for a county, an amount equal to:

(A) the property taxes imposed by the county in 1999 for the county's welfare administration fund; plus

(B) after December 31, 2002, the greater of zero (0) or the difference between:

- (i) the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3; minus**

(ii) the current uninsured parents program property tax levy imposed by the county; divided by

- (2) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all civil taxing units of the county, plus an amount equal to:

(A) the property taxes imposed by the county in 1999 for the county's welfare administration fund; plus

(B) after December 31, 2002, the greater of zero (0) or the difference between:

- (i) the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the state average assessed value growth quotient described in IC 12-16-14-3; minus**
- (ii) the current uninsured parents program property tax levy imposed by the county.**

SECTION 4. IC 6-3.5-6-18, AS AMENDED BY P.L.273-1999, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

- (1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;

- (2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);

- (3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;

- (4) make payments permitted under IC 36-7-15.1-17.5;

- (5) make payments permitted under subsection ~~(f)~~; **(i)**; and

- (6) make distributions of distributive shares to the civil taxing units of a county.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain the amount, if any, specified by the county fiscal body for a particular calendar year under subsection ~~(f)~~; **(i)**, IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year. The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

- (1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by

- (2) A fraction. The numerator of the fraction equals the total property taxes that are first due and payable to the civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.** The denominator of the fraction equals the sum of the total property taxes that are first due and payable to all civil taxing units of the county during the calendar year in which the month falls, plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after**

December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.

(f) The state board of tax commissioners shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The state board of tax commissioners shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

⊕ (i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 5. IC 6-3.5-6-18.5, AS AMENDED BY P.L.273-1999, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	\$1,898,145
Decatur Township	\$164,103
Franklin Township	\$173,934
Lawrence Township	\$890,086
Perry Township	\$854,544
Pike Township	\$1,410,375
Warren Township	\$1,027,721
Washington Township	\$1,017,890
Wayne Township	\$988,397
Lawrence-City	\$648,848
Beech Grove	\$639,017
Southport	\$18,906
Speedway	\$546,000

(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 and IC 6-1.1-18.6 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county;** divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.**

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under

IC 6-1.1-18.5 and IC 6-1.1-18.6 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county;** divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.**

SECTION 6. IC 6-3.5-7-12, AS AMENDED BY P.L.14-2000, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) Except as provided in section 23 of this chapter, the county auditor shall distribute in the manner specified in this section the certified distribution to the county.

(b) Except as provided in subsections (c) and (h) and section 15 of this chapter, the amount of the certified distribution that the county and each city or town in a county is entitled to receive during May and November of each year equals the product of the following:

(1) The amount of the certified distribution for that month; multiplied by

(2) A fraction. The numerator of the fraction equals the sum of the following:

(A) Total property taxes that are first due and payable to the county, city, or town during the calendar year in which the month falls; plus

(B) For a county, an amount equal to:

(i) the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; **plus**

(ii) **after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.**

The denominator of the fraction equals the sum of the total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.**

(c) This subsection applies to a county council or county income tax council that imposes a tax under this chapter after June 1, 1992. The body imposing the tax may adopt an ordinance before July 1 of a year to provide for the distribution of certified distributions under this subsection instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

(1) The ordinance is effective January 1 of the following year.

(2) The amount of the certified distribution that the county and each city and town in the county is entitled to receive during May and November of each year equals the product of:

(A) the amount of the certified distribution for the month; multiplied by

(B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or the town. For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town. The denominator of the fraction equals the sum of the population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

(3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the adoption of the proposed ordinance, any of the following have pledged the county economic development income tax for any purpose permitted by IC 5-1-14 or any other statute:

(1) The county.

(2) A city or town in the county.

(3) A commission, a board, a department, or an authority that is authorized by statute to pledge the county economic development income tax.

(e) The state board of tax commissioners shall provide each county auditor with the fractional amount of the certified distribution that the county and each city or town in the county is entitled to receive under this section.

(f) Money received by a county, city, or town under this section shall be deposited in the unit's economic development income tax fund.

(g) Except as provided in subsection (b)(2)(B), in determining the fractional amount of the certified distribution the county and its cities and towns are entitled to receive under subsection (b) during a calendar year, the state board of tax commissioners shall consider only property taxes imposed on tangible property subject to assessment in that county.

(h) In a county having a consolidated city, only the consolidated city is entitled to the certified distribution, subject to the requirements of section 15 of this chapter.

SECTION 7. IC 6-6-5-10, AS AMENDED BY P.L.273-1999, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) The bureau shall establish procedures necessary for the collection of the tax imposed by this chapter and for the proper accounting for the same. The necessary forms and records shall be subject to approval by the state board of accounts.

(b) The county treasurer, upon receiving the excise tax collections, shall receipt such collections into a separate account for settlement thereof at the same time as property taxes are accounted for and settled in June and December of each year, with the right and duty of the treasurer and auditor to make advances prior to the time of final settlement of such property taxes in the same manner as provided in IC 5-13-6-3.

(c) The county auditor shall determine the total amount of excise taxes collected for each taxing unit in the county and the amount so collected (and the distributions received under section 9.5 of this chapter) shall be apportioned and distributed among the respective funds of each taxing unit in the same manner and at the same time as property taxes are apportioned and distributed. **However, after December 31, 2002, an amount equal to the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county, shall be treated as property taxes apportioned to the county unit.** However, for purposes of determining distributions under this section for 2000 and each year thereafter, the state welfare allocation for each county equals the greater of zero (0) or the amount determined under STEP FIVE of the

following STEPS:

STEP ONE: For 1997, 1998, and 1999, determine the result of:

- ⊕ (i) the amounts appropriated by the county in the year from the county's county welfare fund and county welfare administration fund; divided by
- (ii) the total amounts appropriated by all the taxing units in the county in the year.

STEP TWO: Determine the sum of the results determined in STEP ONE.

STEP THREE: Divide the STEP TWO result by three (3).

STEP FOUR: Determine the amount that would otherwise be distributed to all the taxing units in the county under this subsection without regard to this subdivision.

STEP FIVE: Determine the result of:

- ⊕ (i) the STEP FOUR amount; multiplied by
- (ii) the STEP THREE result.

The state welfare allocation shall be deducted from the total amount available for apportionment and distribution to taxing units under this section before any apportionment and distribution is made. The county auditor shall remit the state welfare allocation to the treasurer of state for deposit in a special account within the state general fund.

(d) Such determination shall be made from copies of vehicle registration forms furnished by the bureau of motor vehicles. Prior to such determination, the county assessor of each county shall, from copies of registration forms, cause information pertaining to legal residence of persons owning taxable vehicles to be verified from ~~his~~ **the assessor's** records, to the extent such verification can be so made. ~~He~~ **The assessor** shall further identify and verify from ~~his~~ **the assessor's** records the several taxing units within which such persons reside.

(e) Such verifications shall be done by not later than thirty (30) days after receipt of vehicle registration forms by the county assessor, and the assessor shall certify such information to the county auditor for ~~his~~ **the auditor's** use as soon as it is checked and completed."

Page 5, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 12. IC 12-7-2-76.5, AS AMENDED BY P.L.95-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 76.5. (a) "Emergency", for purposes of IC 12-20, means an unpredictable circumstance or a series of unpredictable circumstances that:

- (1) place the health or safety of a household or a member of a household in jeopardy; and
- (2) cannot be remedied in a timely manner by means other than township assistance.

(b) "Emergency", for purposes of IC 12-17.6, has the meaning set forth in IC 12-17.6-1-2.6.

(c) "Emergency", for purposes of IC 12-17.7, has the meaning set forth in IC 12-17.7-4."

Page 6, delete lines 1 through 13.

Page 6, line 20, after "IC 12-14-2" insert ".".

Page 6, delete lines 37 through 41.

Page 7, line 11, delete "IC 12-17.7-1-4" and insert "IC 12-17.7-1-5".

Page 7, line 23, delete "IC 12-17.7-1-5" and insert "IC 12-17.7-1-6".

Page 8, line 41, delete "aggregated" and insert "aggregate".

Page 9, line 23, delete "pursuant to" and insert "under".

Page 9, line 37, delete "2002" and insert "2000".

Page 10, line 20, after "IC 4-21.5." insert "The distribution to other hospitals under STEP SEVEN of subsection (b) may not be delayed due to an administrative appeal or judicial review instituted by a hospital under this subsection. If necessary, the office may make a partial distribution to other hospitals under STEP SEVEN of subsection (b) pending the completion of a hospital's administrative appeal or judicial review. A partial distribution may be based upon estimates and trends calculated by the office."

Page 10, delete lines 26 through 38, begin a new paragraph and insert:

"(g) This subsection applies to the state fiscal year beginning July 1, 2000, and ending June 30, 2001. If federal law will not permit the one hundred fifty percent (150%) calculation in STEP THREE of

subsection (b) to be applied to all services identified in STEP ONE of subsection (b) for the state fiscal year, the amount attributable to the services for purposes of the calculation in STEP THREE of subsection (b) shall be the maximum amount available without causing the amount calculated in STEP THREE of subsection (b) to exceed the applicable Medicaid upper payment limit."

Page 12, line 7, after "IC 16-22" insert ", IC 16-22-8;".

Page 12, line 39, delete ", as" and insert "(as)".

Page 12, line 40, delete "by" and insert "in".

Page 12, line 40, delete "1395c," and insert "1395c)".

Page 16, line 35, delete "for".

Page 16, line 36, delete "payments under IC 12-15-15-1.1(b)".

Page 17, line 11, delete "pursuant" and insert "under".

Page 17, line 23, after "initial" insert "annual".

Page 17, line 26, delete "imposed in calendar".

Page 17, line 27, delete "year 2001".

Page 17, line 33, after "payable;" insert "and".

Page 17, delete lines 34 through 42.

Page 18, delete line 1.

Page 18, line 2, delete "(3)" and insert "(2)".

Page 18, line 6, after "preceding" insert "calendar".

Page 18, line 18, after "initial" insert "annual".

Page 18, line 22, delete "imposed in calendar year 2001".

Page 18, line 29, after "payable;" insert "and".

Page 18, delete lines 30 through 41.

Page 18, line 42, delete "(3)" and insert "(2)".

Page 19, line 1, delete "3(3)" and insert "2(3)".

Page 19, line 1, after "chapter" insert "as applied to the county".

Page 19, line 8, after "initial" insert "annual".

Page 19, line 12, delete "imposed in calendar year 2001".

Page 19, line 19, after "payable;" insert "and".

Page 19, delete lines 20 through 31.

Page 19, line 32, delete "(3)" and insert "(2)".

Page 19, line 33, delete "3(3)" and insert "2(3)".

Page 19, line 33, after "chapter" insert "as applied to the county".

Page 20, line 38, after "program" insert "under IC 12-16-2".

Page 20, line 40, delete "does" and insert "may".

Page 20, line 40, delete "either of".

Page 20, line 42, delete "The" and insert "Any".

Page 20, line 42, after "appropriation" insert "required under state law".

Page 21, line 2, delete "year" and insert "years".

Page 21, line 2, delete "ending June 30, 2001" and insert "July 1, 2001".

Page 21, line 3, delete "under P.L.273-1999, SECTION 8,".

Page 21, line 3, after "of" insert "payments under".

Page 21, line 5, delete "year" and insert "years".

Page 21, line 5, delete "ending June 30, 2001" and insert "July 1, 2001".

Page 21, line 10, delete "year" and insert "years".

Page 21, line 10, delete "ending June 30, 2001" and insert "July 1, 2001".

Page 21, between lines 10 and 11, begin a new line block indented and insert:

"(3) For state fiscal years beginning after June 30, 2002, any other appropriation required under state law from the state hospital care for the indigent fund for the uninsured parents program established under IC 12-17.7-2-2."

Page 21, line 14, delete "The office of".

Page 21, delete lines 15 through 18.

Page 21, line 24, delete "IC 12-16" and insert "IC 12-16-2".

Page 21, line 33, delete "IC 12-15-15-9(a) and".

Page 21, line 37, delete "IC 12-16" and insert "IC 12-16-2".

Page 21, line 42, delete "returned to the state hospital" and insert "distributed as follows:

STEP ONE: Calculate the total amount of funds deposited in the state hospital care for the indigent fund for the period of July 1, 2000, through June 30, 2001.

STEP TWO: Of the funds calculated under STEP ONE, calculate the percentage of those funds transferred from the state hospital care for the indigent fund for purposes of funding

Medicaid obligations and payments under IC 12-15-15-9 for the state fiscal year beginning July 1, 2000.

STEP THREE: Multiply the amount calculated under STEP ONE by the percentage calculated under STEP TWO.

STEP FOUR: Transfer to the Medicaid indigent care trust fund an amount equal to one hundred percent (100%) of the amount calculated under STEP THREE for purposes of funding the state's share of payments under IC 12-15-15-9(f).

STEP FIVE: Transfer the funds remaining after the transfer under STEP FOUR to the state hospital care for the indigent fund established under IC 12-16.1-13-3."

Page 22, delete line 1.

Page 27, line 2, delete "IC 12-16.1-14" and insert "**IC 12-16.1-13**".

Page 27, line 34, delete "IC 12-16.1-16" and insert "**IC 12-16.1-14**".

Page 28, delete lines 11 through 34.

Page 28, line 35, delete "9." and insert "**8.**".

Page 28, line 41, delete "10." and insert "**9.**".

Page 29, line 35, delete "11." and insert "**10.**".

Page 30, line 6, delete "12." and insert "**11.**".

Page 30, line 33, delete "13." and insert "**12.**".

Page 30, line 40, delete "IC 12-16.1-12" and insert "**IC 12-16.1-11**".

Page 30, line 41, delete "IC 12-16.1-10" and insert "**IC 12-16.1-9**".

Page 31, line 2, delete "IC 12-16.1-12" and insert "**IC 12-16.1-11**".

Page 31, line 25, delete "IC 12-16.1-15" and insert "**IC 12-16.1-14**".

Page 31, line 38, delete "15." and insert "**14.**".

Page 32, line 19, delete "16." and insert "**15.**".

Page 33, between lines 13 and 14, begin a new paragraph and insert:

"Sec. 4. "Emergency" means a medical condition manifesting itself by acute symptoms, including severe pain, of sufficient severity that a prudent lay person with an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in:

(1) serious jeopardy to the health of:

(A) the individual; or

(B) in the case of a pregnant woman, the woman or her unborn child;

(2) serious impairment to bodily functions; or

(3) serious dysfunction of any bodily organ or part."

Page 33, line 14, delete "4." and insert "**5.**".

Page 33, line 16, delete "5." and insert "**6.**".

Page 33, line 20, delete "the secretary" and insert "**Medicaid policy and planning established by IC 12-8-6-1**".

Page 34, line 2, after "an" insert "**open-ended**".

Page 34, line 3, delete "." and insert "**because enrollment levels must be adjusted to prevent state expenditures beyond revenues dedicated to fund the program.**".

Page 34, line 5, delete "the program is not an" and insert "**enrollment levels must be adjusted to prevent state expenditures beyond revenues dedicated to fund the program.**".

Page 34, delete line 6.

Page 34, delete lines 26 through 29, begin a new line block indented and insert:

"(1) The individual is at least nineteen (19) years of age."

Page 34, line 32, delete "at least twenty-six percent (26%);" and insert "**more than the AFDC standard of July 16, 1996;**".

Page 35, line 10, delete ":".

Page 35, line 11, delete "(A)".

Page 35, line 11, delete "; or" and insert ".".

Page 35, run in lines 10 through 11.

Page 35, delete lines 12 through 13.

Page 35, delete line 17.

Page 35, delete lines 22 through 25, begin a new paragraph and insert:

"Sec. 4. An individual who meets the eligibility requirements of section 1 of this chapter may apply to receive health care services by:

(1) applying at an enrollment center as provided in IC 12-15-4-1; or

(2) completing and mailing to the office an application form."

Page 36, line 13, delete "." and insert "**higher than those imposed by the Medicaid managed care program.**".

Page 40, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 36. IC 25-34.5-1-4.7, AS ADDED BY P.L.60-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.7. "Other authorized health care professional" means a licensed health care professional whose scope of practice:

(1) includes the ~~respiratory care practice task~~ being supervised; and

(2) authorizes the professional to supervise an individual who is not licensed, certified, or registered as a health care professional.

SECTION 37. IC 25-34.5-2-6.4, AS ADDED BY P.L.60-2000, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.4. (a) **Notwithstanding any other law and except as otherwise provided in this article, to perform a respiratory care practice other than a task, an individual must be:**

(1) a practitioner; or

(2) a licensed, registered, or certified health care professional whose scope of practice includes the respiratory care practice.

(b) An individual who is not a licensed, registered, or certified health care professional may perform a task only:

(1) under the proximate supervision of a practitioner or other authorized health care professional; and

(2) if the individual has demonstrated to the facility that employs or contracts with the individual competency to perform the task.

The facility shall document competency in accordance with licensure, certification, and accreditation standards applicable to the facility.

~~(b)~~ (c) A practitioner may do the following:

(1) Delegate tasks.

(2) Supervise the performance of tasks.

SECTION 38. IC 25-34.5-2-14, AS ADDED BY P.L.60-2000, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) The committee ~~may~~ **shall** issue a student permit to an individual if the individual does the following:

(1) Submits the appropriate application to the committee.

(2) Pays the fee established by the board. **If the board does not establish a fee for a student permit, the fee is fifty percent (50%) of the fee for a license.**

(3) Submits ~~written~~ proof to the committee that the individual is a student in good standing in a respiratory care ~~school or~~ program **that has been:**

(A) approved by the committee for purposes of section 8(b)(1) of this chapter;

(B) approved by the committee for purposes of section 10.1(a)(3)(B) of this chapter; or

(C) otherwise approved by the committee.

(4) Submits satisfactory evidence that the individual:

(A) does not have a conviction described in section 8(a)(1) of this chapter; and

(B) has not been the subject of a disciplinary action described in section 8(a)(2) of this chapter.

(b) The committee shall issue a student permit not later than thirty (30) days after an individual fulfills the requirements of subsection (a).

~~(b)~~ (c) An individual who holds a student permit may only perform respiratory care procedures that have been part of a course:

(1) the individual has successfully completed in the respiratory care program designated under subsection (a)(3); and

(2) for which the successful completion has been documented and that is available upon request to the committee.

~~(c)~~ (d) The procedures permitted by subsection (b) may be performed only:

(1) on adult patients who are not critical care patients; and

(2) under the proximate supervision of a practitioner.

~~(d)~~ (e) A student permit expires on the earliest of the following:

(1) The date the permit holder is issued a license under this article.

(2) The date the committee disapproves the permit holder's application for a license under this article.

(3) The date the permit holder ceases to be a student in good standing in a respiratory care program approved by the committee. The graduation of a student permit holder from a respiratory care program approved by the committee does not cause the student permit to expire under this subdivision.

(4) Two (2) years after the date of issuance."

Page 41, line 10, delete "IC 12-16.1-13-1" and insert **"IC 12-16.1-12-1"**.

Page 41, after line 42, begin a new paragraph and insert:

"SECTION 46. P.L.273-1999, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) As used in this SECTION, "committee" refers to the select joint committee on Medicaid oversight established by this SECTION.

(b) As used in this SECTION, "office" refers to the office of Medicaid policy and planning.

(c) The select joint committee on Medicaid oversight is established.

(d) The committee consists of twelve (12) voting members appointed as follows:

(1) Six (6) members shall be appointed by the president pro tempore of the senate, not more than three (3) of whom may be from the same political party.

(2) Six (6) members shall be appointed by the speaker of the house of representatives, not more than three (3) of whom may be from the same political party.

(e) A vacancy on the committee shall be filled by the appointing authority.

(f) The president pro tempore of the senate shall appoint a member of the committee to serve as chairman of the committee from:

(1) January 31, 1998, until December 31, 1998;

(2) January 1, 2000, until December 31, 2000; and

(3) January 1, 2002, until December 31, 2002.

(g) The speaker of the house of representatives shall appoint a member of the committee to serve as chairman of the committee from:

(1) January 1, 1999, until December 31, 1999; and

(2) January 1, 2001, until December 31, 2001.

(h) The committee shall meet at the call of the chairman.

⊕ (i) The committee shall study, investigate, and oversee the following:

(1) Whether the contractor of the office under IC 12-15-30 that has responsibility for processing provider claims for payment under the Medicaid program has properly performed the terms of the contractor's contract with the state.

(2) Legislative and administrative procedures that are needed to eliminate Medicaid claims reimbursement backlogs, delays, and errors.

(3) The establishment and implementation of a case mix reimbursement system designed for Indiana Medicaid certified nursing facilities developed by the office.

(4) Any other matter related to Medicaid.

(5) All matters related to the establishment and implementation of the children's health insurance program established by IC 12-17.6.

(j) If the office awards a contract for processing provider claims for payment before January 1, 1999, the office shall submit the contract to the:

(1) committee; and

(2) budget committee established by IC 4-12-1-3; for review before signing the contract or a document related to the contract.

(k) The committee is under the jurisdiction of the legislative council. The legislative services agency shall provide staff support to the committee.

(l) Unless specifically authorized by the legislative council, the chairman may not create subcommittees.

(m) Notwithstanding any other law, before a rule or policy is adopted or amended by the office of the secretary of family and social services or the office that concerns Medicaid reimbursement or the coverage of services provided under the Medicaid program, the committee shall review the rule or policy. The committee may recommend that a rule or policy be modified, repealed, or adopted.

~~(m)~~ (n) The committee may not recommend proposed legislation to the general assembly unless the proposed legislation is approved by a majority of the voting members appointed to serve on the committee. All votes taken by the committee must be:

(1) by roll call vote; and

(2) recorded.

~~(n)~~ (o) This SECTION expires December 31, 2002."

Page 43, line 7, after "IC 12-16.1" insert ", as added by this act".

Page 43, line 10, after "IC 12-16.1" insert ", as added by this act".

Page 43, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 49. [EFFECTIVE JULY 1, 2001] **(a) 405 IAC 5-24-3(b)(1) is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this subdivision from the Indiana Administrative Code.**

(b) Notwithstanding subsection (a), the office of the secretary of family and social services is not required to provide weight loss drugs under the state Medicaid plan. The office of the secretary of family and social services may determine at the office's discretion, after study, that because of the safety, efficiency, or cost effectiveness on obesity or obesity's co-morbidities, weight loss drugs may be included on the approved drug list subject to formulary, prior authorization, other restrictions, or no restrictions.

(c) This SECTION expires July 1, 2004.

SECTION 50. [EFFECTIVE UPON PASSAGE] **(a) Beginning July 2, 2001, the respiratory care committee shall have an appropriate application available for use by applicants for a student permit under IC 25-34.5-2-14, as amended by this act.**

(b) This SECTION expires July 31, 2001."

Renumber all SECTIONS consecutively.

(Reference is to SB 561 as printed February 23, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

C. BROWN, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 173

Representative Ayres called down Engrossed Senate Bill 173 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 173-1)

Mr. Speaker: I move that Engrossed Senate Bill 173 be amended to read as follows:

Page 1, line 1, reset in roman "during the preceding calendar year."

Page 1, line 6, delete "showing the".

Page 1, line 7, delete "receipts and expenditures by funds and appropriations."

(Reference is to SB 173 as printed March 22, 2001.)

AYRES

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 186

Representative Bischoff called down Engrossed Senate Bill 186 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 186-1)

Mr. Speaker: I move that Engrossed Senate Bill 186 be amended to read as follows:

Page 2, line 2, delete "substantially" and insert **"solid"**.

Page 2, between lines 9 and 10, begin a new line blocked left and insert:

"However, articles of clothing specified under this section with logos, patches, insignia, or printing that does not substantially hinder the visibility of the hunter orange material are allowed under this section."

(Reference is to SB 186 as printed March 22, 2001.)

BISCHOFF

Motion prevailed. The bill was ordered engrossed.

Representative Stilwell was present. Representative Hinkle was excused for the rest of the day.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 131

Representative Lytle called down Engrossed Senate Bill 131 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 433: yeas 76, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 170

Representative Crosby called down Engrossed Senate Bill 170 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 434: yeas 85, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Sturtz was present.

Engrossed Senate Bill 357

Representative Dvorak called down Engrossed Senate Bill 357 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 435: yeas 85, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1401 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

AVERY

Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1401 Conferees: Avery and Becker
Advisors: Hasler and Weinzapfel

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 231, 298, and 561 had been referred to the Committee on Ways and Means.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1667, Roll Call 319, on March 29, 2001. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the Yea button when I intended to vote Nay."

HERNDON

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1667, Roll Call 319, on March 29, 2001. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the Yea button when I intended to vote Nay."

J. LUTZ

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1667, Roll Call 319, on March 29, 2001. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the Yea button when I intended to vote Nay."

McCLAIN

There being a constitutional majority voting in favor of the petition, the petition was adopted.

[Journal Clerk's note: adoption of the motion of Representatives Herndon, J. Lutz, and McClain changes the vote tally for Roll Call 319 to 79 yeas, 10 nays. The corrected roll call is printed with this Journal.]

HOUSE MOTION

Mr. Speaker: I move that Representative Ulmer be added as cosponsor of Engrossed Senate Bill 72.

DENBO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Budak be added as cosponsor of Engrossed Senate Bill 131.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Leuck be added as cosponsor of Engrossed Senate Bill 160.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ruppel and Whetstone be added as cosponsors of Engrossed Senate Bill 171.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frenz be added as cosponsor of Engrossed Senate Bill 222.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as cosponsor of Engrossed Senate Bill 376.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goeglein be added as cosponsor of Engrossed Senate Bill 561.

CRAWFORD

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Bardon the House adjourned at 11:25 a.m., this twenty-ninth day of March, 2001, until Monday, April 2, 2001, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives